IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 10235 OF 2004

Dagadu Sadhu Kathavale ...Petitioner

Versus

The State of Maharashtra & Ors. ...Respondents

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Shri.R.D. Soni i/b Ram & Co. for the petitioner

Shri. S.R. Nargolkar, A.G.P. for Respondents.

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CORAM: S. RADHAKRISHNAN AND SMT. V.K. TAHILRAMANI, JJ.

DATED: 21ST DECEMBER, 2004

P.C.:-

1. Rule. Rule made returnable forthwith.

2. Heard the learned counsel for the petitioner. Learned A.G.P. for respondents waives service. By consent, taken up for hearing.

3. By this petition, the petitioner is seeking a very limited relief whereby the petitioner's application which is pending before the respondent No.2 Collector, Raigad under Section 28A of the Land Acquisition Act 1894, may be decided expeditiously. It appears that pertaining to the same notification

which covers the land involved in this petition, on 6.12.2000, the Reference Court has granted enhanced compensation, based on the same, an application was filed under Section 28A of the Land Acquisition Act on 27.2.2001 which is within the prescribed period of 90 days.

4. In the aforesaid facts and circumstances, we direct the respondent No.2-Collector, Raigad to decide the said application for enhancement of compensation under Section 28A of the Land Acquisition Act as expeditiously as possible, preferably by 31.3.2005. While doing so, the respondent No.2 Collector-Ragiad shall also take into account the decision of the Supreme Court in the case of **Union of India and Ors. Vs. Mangatu Ram reported in AIR 1997 SC 2704** which is annexed to Exh.B to the petition.

5. Rule is made absolute in the above terms.